

Issued: December 22, 2017

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING
MONDAY, DECEMBER 4, 2017
LEGISLATIVE CHAMBER, ROOM 314
TOWN HALL, WEST HARTFORD, CT 06107**

MINUTES

ATTENDANCE: Vice Chair: Kevin Prestage; Commissioners: James Akin, John O'Donnell, Michelle Maresca Alternate: Liz Gillette; Staff: Todd Dumais, Town Planner; Catherine Dorau, Associate Planner

ABSENT: Chair: Kevin Ahern; Alternate: Gordon Binkhorst

CALL TO ORDER/ROLL CALL: 7:00 P.M.

MATTERS FOR PUBLIC HEARING SHALL BE CALLED AT 7:15 P.M.

MINUTES:

1. Approval of Minutes:
 - a. Minutes of the Regular Meeting, Monday, November 6, 2017
Motion/O'Donnell; Second/Akin; Vote 5-0 to table to the January 3, 2017 meeting.

COMMUNICATIONS:

2. **54 Sunset Farm Road** – Application (IWW #1069) of Attorney Robin Messier Pearson, on behalf of Robert Savin (R.O.), requests that the public hearing on Agenda Item # 5 be continued to the regular meeting on January 3, 2018.
Continuance of the item to the January 3, 2018 meeting was accepted. Motion/Akin; Second/O'Donnell; Vote 5-0.

NEW BUSINESS:

3. **196 Mountain Road-** Application (IWW #1074) of Patrick Daly (R.O.), requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland and watercourse area. The applicant is proposing a second floor addition and an upper and lower deck off the rear of the home (decks total approximately 516 s.f.). (Submitted for IWWA receipt on December 4. Presented for determination of significance.)



TOWN OF WEST HARTFORD

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After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ/IWWA on a motion to find the proposed activity to be potentially significant **FAILED** by unanimous vote (0-5) (Motion/O'Donnell; Second/Akin). The proposed activity is therefore deemed to be **NON-SIGNIFICANT** and the IWWA directed that the wetland permit be issued subject to full compliance with Town Erosion and Sedimentation Control requirements.

4. **968R Farmington Ave (Vaughn's Pies and Pints)** - Application (SUP #1191-LB-17) of Vaughn's Pies and Pints (Mike Mahoney, Managing Agent) requesting TPZ review of compliance with the conditions of SUP #1191 approved May 2, 2011 to authorize a thirty-eight (38) seat outdoor dining area. (Submitted for TPZ receipt on December 4. Suggest required public hearing be scheduled on January 3, 2018.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5-0)** (Motion/O'Donnell; Second/Gillette) to schedule this matter for a **public hearing on January 3, 2018** at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

OLD BUSINESS:

5. **54 Sunset Farm Road** - Application (IWW #1069) of Robert Savin, (R.O.), requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland and watercourse area. The applicant proposes to construct a new single-family home and associated site amenities including an in-ground pool and septic system. (Submitted for IWWA receipt on October 2, 2017. Determined to be potentially significant and scheduled for public hearing on November 6, 2017. Item opened and immediately continued to December 4, 2017.) **Request to continue public hearing to the January 3, 2018 regular meeting*.*

6. **38 Wood Pond Road**- Application (IWW #1070) of Jack Kemper, Architect, on behalf of Robert Norman and Laura Craco (R.O.'s), requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland and watercourse area. The applicant proposes to raze the existing residence, construct a new single-family dwelling with a footprint of approximately 3,712 s.f. and perform associated site improvements. (Submitted for IWWA receipt on October 2, 2017. Determined to be potentially significant and scheduled for public hearing on December 4, 2017.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ/IWWA acted by unanimous vote (5-0) (Motion/O'Donnell;

Second/Akin) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

38 WOOD POND ROAD
INLAND WETLAND APPLICATION IWW #1070
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **38 Wood Pond Road** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1070** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

- [1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.
- [2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;
- [3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.
- [4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.
- [5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;
- [6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.
- [7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and
- [8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities, which are made inevitable by the proposed regulated activity, will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures, which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel(s) of land is located **38 Wood Pond Road**.

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein and modified by the conditions below.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended.
- 3.) Weekly inspection reports of the sediment and erosion controls shall be submitted to the Town Planner. Additional erosion and sediment control measures shall be implemented and/or installed throughout the course of construction as/if deemed necessary and directed by the Design Engineer and/or West Hartford Town officials.
- 4.) Prior to the start of any site disturbance, all sediment and erosion controls and tree protection shall be installed. Once installed, the Town Planner shall be notified for inspection.
- 5.) The Applicant shall submit to the Town Planner and Town Engineer a cost estimate, prepared and certified by a qualified professional engineer, for the required soil erosion, sedimentation

and storm-water runoff control measures. Once the estimate is approved, a performance bond or other assurance / surety in the approved amount shall be submitted.

- 6.) A wetland or soil scientist shall monitor the removal of invasive plants and the installation and planting of the rain gardens. A final report of completion of work, prepared by the wetland or soil scientist, shall be submitted to the Town Planner.
- 7.) The permit shall expire if not exercised within five (5) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.
- 8.) Any modification to the existing stairs providing direct access to the pond shall require an application to the IWWA.
- 9.) The final plan set shall remove the note referencing the repair of the riprap along the water's edge.

TOWN COUNCIL REFERRALS:

7. **999 South Quaker Lane-** Application (SDD #48-R1-17) on behalf of Quaker Green Association, Inc., requesting modifications to the existing Special Development District #48, located at 999 South Quaker Lane and known as Quaker Green. More specifically, the request is to eliminate condition 2.G.2. of the 2003 approval requiring public access to Beachland Park through Quaker Green. (Town Council receipt on November 14, 2017. TPZ receipt on December 4, 2017. Town Council public hearing scheduled for January 9, 2018.)
Item was tabled to January 3, 2018.

TOWN PLANNER'S REPORT:

INFORMATION ITEMS:

REMINDER OF FUTURE TPZ REGULAR AND SPECIAL MEETINGS:

- TPZ Regular Meeting, Wednesday, January 3, 2018 @ 7:00 P.M.
- TPZ Regular Meeting, Monday, February 5, 2018 @ 7:00 P.M.
- TPZ Regular Meeting, Monday, March 5, 2018 @ 7:00 P.M.

“Any individual with a disability who needs special assistance to participate in the meeting should contact Suzanne Oslander, Department of Social Services, 860.561.7580, five days prior to the meeting.”